

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HERITAGE REALTY MANAGEMENT, INC.,	) Docket No. 04-333 ERIE
	) (Judge Sean J. McLaughlin)
	)
Plaintiff	) ELECTRONICALLY FILED PLEADING
	)
vs.	) MOTION TO COMPEL DISCOVERY
	)
JOHN ALLIN d/b/a ALLIN COMPANIES and SNOW MANAGEMENT GROUP,	) Filed on behalf of: Plaintiff, Heritage Realty Management, Inc.
	)
Defendant	) Counsel of record for this party:
	)
	) Richard A. Lanzillo, Esq.
	) Knox McLaughlin Gornall
	) & Sennett, P.C.
	) 120 West 10 <sup>th</sup> Street
	) Erie, PA 16501
	) Telephone (814) 459-2800
	) Facsimile (814) 453-4530
	) Email rlanzillo@kmgslaw.com
	) PA53811

**MOTION TO COMPEL DISCOVERY**

Plaintiff, Heritage Realty Management, Inc., through its counsel, Knox McLaughlin Gornall & Sennett, P.C., respectfully moves the Court for an Order to compel defendant to comply with outstanding discovery and the directive issued by this Court on November, and state in support as follows:

1. The deadline for completion of discovery in this case is December 10, 2005.
2. The Court conducted a status/settlement conference on October 31, 2005.

3. During which the Court directed defendant to produce certain documents, including records substantiating or relating to his claim for expenses associated with the hundreds of hours that his employees and agents allegedly devoted to work under the contract at issue in this case, on or before November 15, 2005.

4. Heritage cannot proceed with depositions in this case until defendant produces the subject documents.

5. The subject documents were not produced by the deadline set by the Court.

6. Counsel for Heritage contacted counsel for defendant regarding the delinquent discovery responses and was advised that defendant had assured him that the documents would be produced by November 18, 2005. That date has come and gone, but none of the subject documents have been produced.

7. Defendant's failure to produce the subject documents in accordance with this Court directive is frustrating Heritage's ability to conduct remaining discovery, including depositions, and its ability to prepare a dispositive motion.

WHEREFORE, plaintiff, Heritage Realty Management, Inc., respectfully requests that this Court enter an order compelling defendant to produced the subject documents on or before November 25, 2005, or face the imposition of sanctions.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &  
SENNETT, P.C.

BY: /s/ Richard A. Lanzillo, Esq.

Richard A. Lanzillo, Esquire  
Neal R. Devlin, Esquire  
120 West Tenth Street  
Erie, PA 16501  
Telephone (814) 459-2800  
Facsimile (814) 453-4530  
Email rlanzillo@kmgslaw.com  
PA53811

Attorneys for plaintiff,  
Heritage Realty Management, Inc

# 644726